

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 14-00306 WHA

v.

LUKE D. BRUGNARA,

Defendant.


**NOTICE RE EVIDENTIARY
HEARING TO DETERMINE
VALUE OF ART**

The parties, including third-party victim Modernism Fine Arts Inc., were requested to submit briefing regarding whether Modernism should be permitted to cross examine witnesses and put on its own experts at the upcoming evidentiary hearing. The responses were due on August 12. Both the government and the defense submitted briefing arguing that Modernism should not be permitted to participate in the hearing. As a victim, its interests would be represented by the government. Modernism did not submit any briefing in response to the request.

Modernism, therefore, will not be permitted to put on its own witnesses at the evidentiary hearing and cannot cross examine either party's witnesses. Both sides are on notice, however, that the Court will not rely on the declaration submitted by Modernism regarding the veracity of the defense's expert (Dkt. No. 697). The declaration by the expert hired by Modernism is hearsay and has not been tested by cross examination, so it will not be considered. If either side wishes to call said expert at the hearing, they may do so, subject to cross examination and the usual disclosure rules.

IT IS SO ORDERED.

Dated: August 18, 2015.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE